
TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #17-436(F)

DIGEST

Amends [312 IAC 9-2-2](#) to allow the use of motor driven conveyances to hunt squirrels. Amends [312 IAC 9-2-11](#) governing the taking or chasing of wild animals, except fish, on state parks and historic sites. Adds [312 IAC 9-2-16](#) governing the release of captive-bred mammals, reptiles, amphibians, and mussels. Amends [312 IAC 9-3-12](#) governing the taking of foxes, coyotes, and skunks. Amends [312 IAC 9-3-13](#) governing the taking of minks, muskrats, and long-tailed weasels. Amends [312 IAC 9-3-14](#) governing the taking of raccoons and opossums. Amends [312 IAC 9-3-14.5](#) governing the possession of furbearing mammals. Amends [312 IAC 9-3-18.1](#) governing the taking of bobcats. Amends [312 IAC 9-3-18.2](#) governing the trapping of river otters. Amends [312 IAC 9-3-18.4](#) governing the possession and sale of bobcats and badgers. Amends [312 IAC 9-3-18.5](#) governing exotic mammals. Adds [312 IAC 9-3-18.7](#) governing the taking of bats. Adds [312 IAC 9-3-18.8](#) governing black bears. Amends [312 IAC 9-3-19](#) governing endangered species of mammals. Amends [312 IAC 9-4-2](#) governing general requirements for migratory birds and waterfowl. Amends [312 IAC 9-4-11](#) governing wild turkey hunting. Amends [312 IAC 9-4-14](#) governing endangered species of birds. Amends [312 IAC 9-9-4](#) governing endangered species of invertebrates. Amends [312 IAC 9-10-4](#) governing the game breeders license. Amends [312 IAC 9-10-11](#) governing the nuisance wild animal control permit. Adds [312 IAC 9-10-25](#) to establish a deer control permit. Adds [312 IAC 9-10-26](#) to establish a propagation permit for endangered species. Amends [312 IAC 9-11-2](#) governing the wild animal possession permit. Effective 30 days after filing with the Publisher.

[312 IAC 9-2-2](#); [312 IAC 9-2-11](#); [312 IAC 9-2-16](#); [312 IAC 9-3-12](#); [312 IAC 9-3-13](#); [312 IAC 9-3-14](#); [312 IAC 9-3-14.5](#); [312 IAC 9-3-18.1](#); [312 IAC 9-3-18.2](#); [312 IAC 9-3-18.4](#); [312 IAC 9-3-18.5](#); [312 IAC 9-3-18.7](#); [312 IAC 9-3-18.8](#); [312 IAC 9-3-19](#); [312 IAC 9-4-2](#); [312 IAC 9-4-11](#); [312 IAC 9-4-14](#); [312 IAC 9-9-4](#); [312 IAC 9-10-4](#); [312 IAC 9-10-11](#); [312 IAC 9-10-25](#); [312 IAC 9-10-26](#); [312 IAC 9-11-2](#)

SECTION 1. [312 IAC 9-2-2](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-2-2](#) Prohibition against motor driven conveyances**Authority:** [IC 14-22-2-6](#)**Affected:** [IC 14-22](#)

Sec. 2. (a) An individual must not take or chase a wild mammal or bird from, by the use of, or with the aid of a motor driven conveyance, except:

- (1) as authorized for an individual with a special hunting permit for a person with a disability under [312 IAC 9-10-10](#); and
- (2) as provided in subsection (b).

(b) A motorboat may be used to:

- (1) check traps that are lawfully set and maintained; or
- (2) retrieve a dead or crippled waterfowl.

(c) A motorboat may be used to hunt waterfowl **and squirrels** if the motorboat is:

- (1) beached;
- (2) resting at anchor;
- (3) tied to a stationary object; or
- (4) otherwise without motion except as provided by:
 - (A) wind;
 - (B) water current; or
 - (C) hand-operated oars or paddles.

(d) An individual must not discharge a firearm or bow and arrows from a motor driven conveyance while the conveyance is in motion.

(Natural Resources Commission; [312 IAC 9-2-2](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2700; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed

SECTION 2. [312 IAC 9-2-11](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-2-11](#) State parks and state historic sites

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 4-21.5](#); [IC 14-22-6-1](#)

Sec. 11. (a) An individual must not take or chase a wild animal, other than a fish, in a state park or a state historic site **except for employees of the department that are authorized to take a nonendangered:**

- (1) nonmigratory bird;
- (2) mute swan;
- (3) mammal; or
- (4) reptile;

on a state park that is causing damage or threatening to cause damage or creating a public safety or health threat.

(b) Notwithstanding subsection (a), the property manager of a state park may authorize an individual to take a raccoon, Virginia opossum, striped skunk, beaver, or muskrat on that property that is causing damage or threatening to cause damage or creating a public safety or health threat:

- (1) with written permission from the property manager; and
- (2) with a nuisance wild animal control permit issued under [312 IAC 9-10-11](#) or with a valid trapping license if taken during the season established in [312 IAC 9-3](#) for that species.

~~(b)~~ (c) Fishing in a state park or state historic site is subject to [312 IAC 9-6](#), [312 IAC 9-7](#), and [312 IAC 9-8](#).

~~(e)~~ (d) An individual qualified under this subsection may trap any European wall lizard (*Podarcis muralis*) from the Falls of the Ohio State Park and the adjacent federal Falls of the Ohio Wildlife Conservation Area in Clarksville, Indiana. In order to qualify under this subsection, an individual must do each of the following:

- (1) Possess a written authorization from the division of state parks.
- (2) Comply with any terms in the written authorization. These terms shall include a requirement that a European wall lizard can be taken only with approved methods.
- (3) For the federal Falls of the Ohio Wildlife Conservation Area, comply with any other terms in the written authorization that are required by the U.S. Army Corps of Engineers.

(Natural Resources Commission; [312 IAC 9-2-11](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2701; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 19, 2003, 8:14 a.m.: 27 IR 459; filed Apr 1, 2008, 10:28 a.m.: [20080430-IR-312070735FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Mar 12, 2010, 1:28 p.m.: [20100407-IR-312090479FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 3. [312 IAC 9-2-16](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 9-2-16](#) Release of captive-bred mammals, reptiles, amphibians, and mussels

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 4-21.5](#); [IC 14-22-6-1](#)

Sec. 16. An individual must not release a captive-bred species of mammal, reptile, amphibian, or mussel into the wild except as authorized under this article.

(Natural Resources Commission; [312 IAC 9-2-16](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 4. [312 IAC 9-3-12](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-3-12](#) Foxes, coyotes, and skunks

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22](#)

Sec. 12. (a) An individual may hunt:

- (1) red foxes (*Vulpes vulpes*); and
- (2) gray foxes (*Urocyon cinereoargenteus*);

from ~~noon on~~ October 15 ~~until noon on~~ **through** February 28 of the following year.

(b) An individual may trap:

- (1) red foxes (*Vulpes vulpes*); and
- (2) gray foxes (*Urocyon cinereoargenteus*);

from ~~8 a.m. on~~ October 15 ~~until noon on~~ **through** January 31 of the following year.

(c) Except as provided in subsection (d), an individual may

~~(1) hunt: (A) take~~ coyotes (*Canis latrans*) and ~~(B) striped skunks (*Mephitis mephitis*) from noon on~~ October 15 ~~until noon on~~ **through** March 15 of the following year. and

~~(2) trap:~~

- ~~(A) coyotes (*Canis latrans*); and~~
- ~~(B) striped skunks (*Mephitis mephitis*);~~

from ~~8 a.m. on~~ October 15 ~~until noon on~~ March 15 of the following year.

(d) A person who possesses land, or another person designated in writing by that person, may take coyotes on that land at any time. A live coyote taken under this subsection from March 16 through October 14:

(1) must be euthanized within twenty-four (24) hours of capture; and

(2) shall not be:

- (A) possessed for more than twenty-four (24) hours;
- (B) sold;
- (C) traded;
- (D) bartered; or
- (E) gifted.

(Natural Resources Commission; [312 IAC 9-3-12](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 539; filed Jun 23, 2006, 2:24 p.m.: [20060719-IR-312050214FRA](#); filed Apr 4, 2008, 2:56 p.m.: [20080430-IR-312070659FRA](#); filed Jul 31, 2008, 4:06 p.m.: [20080827-IR-312070749FRA](#); errata filed Oct 30, 2008, 10:56 a.m.: [20081119-IR-312080832ACA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Mar 12, 2010, 1:28 p.m.: [20100407-IR-312090479FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 5. [312 IAC 9-3-13](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-3-13](#) Minks, muskrats, and long-tailed weasels

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22](#)

Sec. 13. An individual may take:

- (1) minks (*Mustela vison*);
- (2) muskrats (*Ondatra zibethicus*); and
- (3) long-tailed weasels (*Mustela frenata*);

from ~~8 a.m. on~~ November 15 ~~until noon on~~ **through** January 31 of the following year.

(Natural Resources Commission; [312 IAC 9-3-13](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540; filed Apr 4, 2008, 2:56 p.m.: [20080430-IR-312070659FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Mar 12, 2010, 1:28 p.m.: [20100407-IR-312090479FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 6. [312 IAC 9-3-14](#) IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-14 Opossums and raccoons

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22](#); [IC 35-47-2](#)

Sec. 14. (a) An individual may do the following:

- (1) Take raccoons and Virginia opossums from ~~8 a.m. on~~ November 8 ~~until noon on~~ **through** January 31 of the following year.
- (2) Chase raccoons and Virginia opossums from ~~noon on~~ February 1 ~~until noon on~~ **through** October 25.

(b) An individual must not remove, attempt to remove, dislodge, or attempt to dislodge a raccoon or Virginia opossum from:

- (1) a tree hollow;
- (2) a hole;
- (3) a den;
- (4) a pocket;
- (5) a cavity;
- (6) a burrow;
- (7) a tile; or
- (8) any other place;

where the raccoon or Virginia opossum has secreted itself for security or protection or in which the raccoon maintains a nest or den.

(Natural Resources Commission; [312 IAC 9-3-14](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2707; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540; filed Sep 6, 2007, 12:20 p.m.: [20071003-IR-312070023FRA](#); filed Apr 4, 2008, 2:56 p.m.: [20080430-IR-312070659FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Mar 12, 2010, 1:28 p.m.: [20100407-IR-312090479FRA](#); filed Jan 5, 2011, 3:15 p.m.: [20110202-IR-312100230FRA](#); filed Mar 15, 2013, 2:33 p.m.: [20130410-IR-312120403FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 7. [312 IAC 9-3-14.5](#) IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-14.5 Possession of furbearing mammals

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22-20](#)

Sec. 14.5. (a) An individual must not possess the untanned hide or unprocessed carcass of any of the following species that have been lawfully taken except as authorized under subsection (d):

- (1) Red fox (*Vulpes vulpes*).
- (2) Gray fox (*Urocyon cinereoargenteus*).
- (3) Striped skunk (*Mephitis mephitis*).
- (4) Beaver (*Castor canadensis*).
- (5) Mink (*Mustela vison*).
- (6) Muskrat (*Ondatra zibethicus*).
- (7) Long-tailed weasel (*Mustela frenata*).
- (8) Virginia opossum (*Didelphis marsupialis*).
- (9) Raccoon (*Procyon lotor*).

(b) Notwithstanding subsections (e), (g), and (h), an individual may possess a live furbearing mammal under one (1) of the following:

- (1) A game breeder license in compliance with [IC 14-22-20](#) and [312 IAC 9-10-4](#).
- (2) A wild animal possession permit in compliance with [312 IAC 9-11](#).
- (3) A wild animal rehabilitation permit in compliance with [312 IAC 9-10-9](#).
- (4) A scientific purposes license in compliance with [312 IAC 9-10-6](#).
- (5) A nuisance wild animal control permit in compliance with [312 IAC 9-10-11](#).
- (6) A registered or licensed educational or scientific institution with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(7) A breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(8) A hunting or trapping license during the season established in this rule for that species.

(c) An individual may sell a live furbearing mammal only:

(1) during the hunting and trapping season established in this rule for that species with a hunting or trapping license; or

(2) with a valid game breeder license in compliance with [IC 14-22-20](#) and [312 IAC 9-10-4](#).

(d) An individual may possess the untanned hide or unprocessed carcass of a **lawfully obtained** furbearing mammal listed in subsection (a) ~~as follows:~~

~~(1) During the hunting and trapping season established in this rule for that species;~~

~~(2) Until May 15 of the year the hunting or trapping season closed as established in this rule for that species;~~

~~(3) Until June 15 of the year the hunting and trapping season closed for that species if the individual submits a report to the department by May 15 on a signed departmental form that lists the number of untanned hides and unprocessed carcasses possessed by species and not sold to a licensed fur buyer;~~

~~(4) With a valid fur buyer's license in compliance with [IC 14-22-19](#) and [312 IAC 9-10-12](#);~~

~~(5) With a valid taxidermy license in compliance with [IC 14-22-21](#) and [312 IAC 9-10-5](#);~~

~~(6) With a valid special purpose salvage permit in compliance with [312 IAC 9-10-13.5](#);~~

at any time of year.

(e) Except as authorized in subsection (g), an individual who traps a furbearing mammal **during the trapping season established in this rule for that species** must either:

(1) release the furbearing mammal into the wild in the county in which it was captured within twenty-four (24) hours of capture;

(2) euthanize the furbearing mammal immediately after removal from the trap or transport from the trap site; or

(3) sell, gift, barter, trade, or otherwise transfer the furbearing mammal to another individual within twenty-four (24) hours of capture.

(f) A captive furbearing mammal that is being transported must be properly handled in an expeditious manner to prevent unnecessary physical injury to the furbearing mammal.

(g) An individual who lawfully takes a:

(1) raccoon;

(2) red fox;

(3) gray fox; or

(4) coyote;

during the trapping season for that species may possess that animal live in captivity during the remainder of the trapping season for that species only as provided in subsections (f) and (h).

(h) After removal from a trap and transport from the trap site **during the trapping season established in this rule for that species**, an individual possessing a furbearing mammal under subsection (g) must do the following:

(1) Confine the mammal in a cage or other enclosure as follows:

(A) A cage or other enclosure that:

(i) makes escape of the mammal unlikely and prevents the entrance of a free-roaming mammal of the same species;

(ii) is structurally sound;

(iii) is of sufficient strength for the species involved;

(iv) is maintained in good repair and smoothly secured to prevent escape or injury to the mammal in the enclosure;

(v) is constructed to allow sufficient space for individual posture, to turn about freely, and to make normal social movements;

(vi) is secured when unattended with protective devices at entrances and exits to prevent escapes if kept outdoors and if needed to prevent injuries to human or the mammal's health; and

(vii) has ambient ventilation by means of windows, doors, vents, fans, or air conditioning to protect the health of the mammal and to minimize drafts, odors, and condensation.

(B) Night quarters, transportation cages, and nesting boxes may not be used as primary housing.

(C) Surface water must be adequately drained from a cage or enclosure where the mammal is housed.

- (D) Adequate lighting shall be provided by artificial or natural means and cycled for appropriate photoperiod, if necessary for the mammal in possession.
- (2) Provide the following for the comfort of the particular species of mammal:
 - (A) Fresh, clean drinking water in clean containers on a daily basis.
 - (B) Appropriate and adequate food that is as follows:
 - (i) Unspoiled.
 - (ii) Uncontaminated.
 - (iii) Appropriate to the dietary needs of the mammal.
 - (iv) Of sufficient quantity for the mammal involved.
 - (v) Provided on a daily basis.
 - (C) Adequate shelter from the elements.
 - (D) Adequate shade.
- (3) Remove and dispose of food wastes, feces, urine, and bedding from the enclosure and premises daily to maintain sanitary conditions and protect the mammal and human health.
- (4) Remove trash, garbage, debris, and carcasses from the enclosure as soon as they are observed and appropriately disposed of.
- (5) Either:
 - (A) euthanize a mammal possessed under this section no later than the last day of the season for that species; or
 - (B) apply for a game breeder license under [IC 14-22-20](#) and [312 IAC 9-10-4](#) or wild animal possession permit under [IC 14-22-20](#) and [312 IAC 9-11](#) within five (5) days after the close of the season for that species.
- (6) Make a mammal possessed under this section available for inspection by a conservation officer upon request.

(Natural Resources Commission; [312 IAC 9-3-14.5](#); filed Apr 4, 2008, 2:56 p.m.: [20080430-IR-312070659FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Mar 12, 2010, 1:28 p.m.: [20100407-IR-312090479FRA](#); filed Jul 5, 2011, 1:37 p.m.: [20110803-IR-312100614FRA](#); filed Sep 13, 2013, 3:02 p.m.: [20131009-IR-312120670FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 8. [312 IAC 9-3-18.1](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-3-18.1](#) Bobcats

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22](#)

Sec. 18.1. (a) A person must not take a bobcat (~~Felis~~ (**Lynx rufus**) except with one (1) of the following:

- (1) A scientific purposes license under [312 IAC 9-10-6](#).
- (2) A nuisance wild animal control permit under [312 IAC 9-10-11](#).

(b) An individual must not possess a live bobcat except with one (1) of the following: **as follows:**

- (1) A wild animal possession permit under [312 IAC 9-11](#).
- (2) **(1) With** a wild animal rehabilitation permit under [312 IAC 9-10-9](#).
- (3) **(2) With** a scientific purposes license under [312 IAC 9-10-6](#).
- (4) **(3) With** a nuisance wild animal control permit under [312 IAC 9-10-11](#).
- (4) **With a wild animal possession permit under [312 IAC 9-11](#).**
- (5) **By** a registered or licensed educational or scientific institution with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
- (6) **By** a breeder, dealer, **or exhibitor** license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(c) An individual must not sell a live bobcat unless that person has a breeder, dealer, or exhibitor license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(Natural Resources Commission; [312 IAC 9-3-18.1](#); filed Jun 23, 2006, 2:24 p.m.: [20060719-IR-312050214FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Mar 12, 2010, 1:28 p.m.: [20100407-IR-312090479FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 9. [312 IAC 9-3-18.2](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-3-18.2](#) River otters

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22](#)

Sec. 18.2. (a) An individual may trap a river otter (*Lutra canadensis*) from ~~8:00 a.m. on~~ November 15 until ~~noon on~~ **through** March 15 of the following year. An individual who sets a trap for a river otter must be at least ten (10) years old, unless the individual has passed a state-certified trapper education course.

(b) In order to trap a river otter, an individual must possess one (1) of the following valid Indiana trapping licenses or be exempt from needing a license as authorized in [IC 14-22-11-1](#):

- (1) Resident yearly trapping license under [IC 14-22-12-1\(a\)\(4\)](#).
- (2) Nonresident yearly trapping license under [IC 14-22-12-1\(a\)\(7\)](#).
- (3) Resident youth consolidated hunting, trapping, and fishing license under [IC 14-22-12-1\(a\)\(24\)](#) or [IC 14-22-11-10\(b\)](#).
- (4) Nonresident youth yearly trapping license under [IC 14-22-12-1\(a\)\(26\)](#).
- (5) Lifetime basic trapping license under [IC 14-22-12-7\(a\)\(6\)](#) before its repeal.

(c) An individual must not take more than two (2) river otters per season. An individual that sets the trap that caught the river otter must count the river otter toward his or her season limit.

(d) An individual that ~~accidentally~~ kills a river otter:

- (1) during the season** after the **individual's** bag limit ~~or~~ **has been reached**;
- (2) after the** statewide quota has been reached; ~~or during the closed~~
- (3) in a county where the season is not open; or**
- (4) outside the season;**

must notify the department within ~~twenty-four (24)~~ **forty-eight (48)** hours of ~~capture~~ **killing the otter** and make arrangements to give that river otter to the department. An individual who traps a river otter alive and does not include it in that individual's bag limit must release the river otter into the wild in the location in which it was captured immediately upon discovery or notification that a river otter has been caught in the trap.

(e) An individual must not trap river otters except in a county the director designates on an annual basis by temporary rule.

(f) Annually, the director shall establish by temporary rule the statewide quota for river otters that may be taken during a season. The director may close the season established under subsection (a) by temporary rule upon a determination that the allowable harvest of river otters for the year has been reached.

(g) An individual who takes a river otter must report the take or cause the reporting of the take by providing the information required on the department's electronic harvest reporting system within twenty-four (24) hours of the taking of the river otter. The individual who reports the take on the department's electronic harvest reporting system must provide true and accurate information. The confirmation number provided by the electronic harvest reporting system must be maintained with the river otter until the river otter is checked in with a designated department employee or at an official river otter checking station.

(h) An individual who takes a river otter during the trapping season must retain possession of the river otter and cause delivery of the skinned hide and carcass, including the head, of the river otter to a designated department employee or official river otter checking station within fifteen (15) days after the month of harvest. The department employee must:

- (1) issue a tag and attach it to each hide in accordance with 50 CFR 23.69; and
- (2) maintain possession of the skinned river otter carcass (not the hide).

(i) A river otter, including the hide and any other part or portion, taken during the trapping season must not be:

- (1) sold;
- (2) traded;

- (3) bartered;
- (4) gifted;
- (5) transferred to a taxidermist or any other person; or
- (6) shipped;

until registered through the department's electronic registration system and issued a tag by a department employee in accordance with subsection (h).

(j) After registering the river otter and obtaining the tag from the department in accordance with this section, an individual who takes a river otter may:

- (1) sell;
- (2) trade;
- (3) barter;
- (4) ship; or
- (5) ~~other~~ **otherwise** transfer;

the hide of a river otter in accordance with this section and 50 CFR 23.69.

(k) An individual may possess the untanned hide of a river otter ~~as follows:~~

- ~~(1) During the trapping season established in subsection (a);~~
- ~~(2) Until May 15 of the year the trapping season closed as established in subsection (a);~~
- ~~(3) Until June 15 of the year the trapping season closed if the individual submits a report to the department by May 15 on a signed departmental form that lists the number of untanned river otter hides possessed and not sold to a licensed fur buyer;~~
- ~~(4) With a valid fur buyer's license in compliance with [IC 14-22-19](#) and [312 IAC 9-10-12](#);~~
- ~~(5) With a valid taxidermy license in compliance with [IC 14-22-21](#) and [312 IAC 9-10-5](#);~~
- ~~(6) With a valid special purpose salvage permit in compliance with [312 IAC 9-10-13.5](#);~~
- ~~(7) With a valid scientific purposes license in compliance with [IC 14-22-22](#) and [312 IAC 9-10-6](#);~~

that was lawfully obtained at any time of year.

(l) An individual must not possess a live river otter except ~~with one (1) of the following:~~ **as follows:**

- (1) **With** a wild animal rehabilitation permit under [312 IAC 9-10-9](#).
- (2) **With** a scientific purposes license under [312 IAC 9-10-6](#).
- (3) **With** a nuisance wild animal control permit under [312 IAC 9-10-11](#).
- (4) **By** a registered or licensed educational or scientific institution with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
- (5) **By** a breeder, dealer, or exhibitor license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(m) An individual must not sell a live river otter unless that person has a breeder, dealer, or exhibitor license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(Natural Resources Commission; [312 IAC 9-3-18.2](#); filed Jun 23, 2006, 2:24 p.m.: [20060719-IR-312050214FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Mar 12, 2010, 1:28 p.m.: [20100407-IR-312090479FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Feb 26, 2015, 2:01 p.m.: [20150325-IR-312140341FRA](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 10. [312 IAC 9-3-18.4](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-3-18.4](#) Possession and sale of bobcats and badgers

Authority: [IC 14-22-2-6](#)

Affected: [IC 14-22](#)

Sec. 18.4. (a) A person must not possess or sell a carcass, hide, or any part of a bobcat or badger unless the person meets one (1) of the following requirements:

- (1) The person possesses satisfactory documentation that the carcass, hide, or part was lawfully acquired.

Satisfactory documentation must include one (1) or more of the following:

- (A) A legible copy of any of the following:
 - (i) A tag.
 - (ii) A receipt.

- (iii) A hunting license.
 - (iv) A trapping license.
 - (v) A permit.
 - (vi) Other appropriate record from the state or country where the animal, including any part or portion of the animal, was acquired.
 - (B) A receipt from either of the following:
 - (i) A fur buyer licensed under [312 IAC 9-10-12](#).
 - (ii) A taxidermist licensed under [312 IAC 9-10-5](#).
 - (2) The person obtains the:
 - (A) carcass;
 - (B) hide; or
 - (C) part;
- from the director or his **or her** designee with written permission.

(b) In addition to subsection (a), a person must not possess a carcass or untanned hide of a bobcat or badger for more than fourteen (14) days unless the person is a fur buyer licensed under [312 IAC 9-10-12](#).

- (c) A fur buyer licensed under [312 IAC 9-10-12](#), or a taxidermist licensed under [312 IAC 9-10-5](#), who sells:
- (1) a carcass;
 - (2) a hide; or
 - (3) any part;

of a bobcat or badger must provide the purchaser with the documentation described in subsection (a). A purchaser who relies in good faith upon the documentation may offer it as an affirmative defense to an infraction or civil penalty alleging a violation of subsection (a).

(Natural Resources Commission; [312 IAC 9-3-18.4](#); filed Jun 23, 2006, 2:24 p.m.: [20060719-IR-312050214FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Feb 26, 2015, 2:01 p.m.: [20150325-IR-312140341FRA](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 11. [312 IAC 9-3-18.5](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-3-18.5](#) Exotic mammals

Authority: [IC 14-22-2-6](#); [IC 14-22-32-6](#)

Affected: [IC 14-8-2-278](#); [IC 14-22-20](#); [IC 15-17-5](#)

Sec. 18.5. (a) An individual must not take, as defined by [IC 14-8-2-278](#), an exotic mammal that is a species from any of the following families of mammals:

- (1) Bradypodidae (tree sloth).
- ~~(2) Bovidae (gazelle, bighorn sheep, antelope, and wildebeest), except for domestic cattle (genus Bos, including all dairy and beef animals) and buffalo (Bison bison).~~
- ~~(3) (2) Camelidae (camel and llama).~~
- ~~(4) (3) Canidae (jackal, wild dog, and other exotic foxes).~~
- ~~(5) (4) Cebidae (marmoset).~~
- ~~(6) (5) Cercopithecidae (baboon and monkey).~~
- ~~(7) Cervidae (elk, moose, caribou, and other exotic deer).~~
- ~~(8) (6) Dasypodidae (armadillo).~~
- ~~(9) (7) Elephantidae (elephant).~~
- ~~(10) (8) Equidae (wild horse and zebra), except for domestic horses.~~
- ~~(11) (9) Felidae (mountain lion, lynx, tiger, and other exotic cats).~~
- ~~(12) (10) Giraffidae (giraffe and okapi).~~
- ~~(13) (11) Hippopotamidae (hippopotamus).~~
- ~~(14) (12) Hyaenidae (hyaena).~~
- ~~(15) (13) Macropodidae (kangaroo and wallaby).~~
- ~~(16) (14) Myrmecophagidae (anteater).~~
- ~~(17) (15) Orycteropodidae (aardvark).~~
- ~~(18) (16) Pongidae (chimpanzee, bonobo, and gorilla).~~
- ~~(19) (17) Procaviidae (hyrax).~~
- ~~(20) (18) Protelidae (aardwolf).~~

- ~~(21)~~ **(19)** Rhinocerotidae (rhinoceros).
- ~~(22)~~ **(20)** Tapiridae (tapir).
- ~~(23)~~ **(21)** Tragulidae (chevrotain).
- ~~(24)~~ **(22)** Ursidae (bear), **except for black bears.**
- ~~(25)~~ **(23)** A hybrid or genetically altered mammal of any of these families.

Exempted from this section are the following species of mammals that are not considered to be exotic mammals: ~~white-tailed deer, bobcat, red fox, gray fox, and coyote.~~

- (b) Notwithstanding subsection (a), an individual may take an exotic mammal only if the exotic mammal is:
 - (1) taken by a resident landowner or tenant while destroying or causing substantial damage to property that is owned or leased by the landowner or tenant;
 - (2) a species from the family ~~bovidae, camelidae or cervidae~~ and slaughtered in accordance with [IC 15-17-5](#); or
 - (3) an animal that has escaped from captivity into the wild and is a known immediate threat to:
 - (A) public safety; or
 - (B) the health of wild animals. ~~as verified by the Indiana state board of animal health.~~

~~(c) A person may possess an exotic mammal that is a species from a family listed in subsection (a) only as follows:~~

- ~~(1) Wild cats, except feral cats, in the family Felidae, purebred wolves in the family Canidae, and bears in the family Ursidae may be possessed under a wild animal possession permit issued under [312 IAC 9-11](#) or a license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.~~
- ~~(2) Cervidae may be possessed under a cervidae breeder license issued under [312 IAC 9-10-4](#).~~
- ~~(3) All other families listed in subsection (a) may be possessed without a permit from the department but must be possessed with a license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.~~

~~(d) A person may sell an exotic mammal from a family listed in subsection (a) only as follows:~~

- ~~(1) Cervidae, including their parts, may be sold under [IC 14-22-20](#), [IC 14-22-20.5](#), and 345 IAC.~~
- ~~(2) Bovidae may be sold without a license from the department.~~
- ~~(3) All other families listed in subsection (a) may be sold without a permit from the department but must be sold with a license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.~~

~~(e) A person:~~

- ~~(1) may not release an exotic mammal that is a species from a family listed in subsection (a) into the wild in Indiana; and~~
- ~~(2) must report the escape of any exotic mammal listed in subsection (a) to a conservation officer within twenty-four (24) hours.~~

(Natural Resources Commission; [312 IAC 9-3-18.5](#); filed May 12, 2006, 10:38 a.m.: 29 IR 3346; readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Dec 10, 2010, 10:36 a.m.: [20110105-IR-312100104FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 12. [312 IAC 9-3-18.7](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 9-3-18.7](#) Bats

Authority: [IC 14-22-2-6](#); [IC 14-22-34-15](#)

Affected: [IC 14-22](#)

Sec. 18.7. (a) An individual may take a bat only as authorized in this section.

(b) At any time of year and without a permit, an individual may take up to five (5) individual bats within a twenty-four (24) hour period from one (1) dwelling if the bat constitutes a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner and is taken within or on a human dwelling to include:

- (1) a residence;
- (2) a place of work; or
- (3) an outbuilding.

(c) Except as otherwise authorized in this subsection, a person must have one (1) of the following to take or possess a bat:

- (1) A nuisance wild animal control permit issued under [312 IAC 9-10-11](#).
- (2) A scientific purposes license issued under [312 IAC 9-10-6](#).
- (3) A limited take permit issued under [312 IAC 9-10-18](#).
- (4) A wild animal rehabilitation permit issued under [312 IAC 9-10-9](#).

(d) A species of bat listed in 50 CFR 17.11 may be unintentionally or unknowingly taken if on a structure or in natural habitat without a permit from the department.

(e) The issuance of a permit or exemption from a permit under this section does not relieve a person from any requirement for a federal permit or authorization issued by the United State Fish and Wildlife Service. If the terms of a federal permit and the permit issued under this section differ, the more restrictive terms prevail.

(Natural Resources Commission; [312 IAC 9-3-18.7](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 13. [312 IAC 9-3-18.8](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 9-3-18.8](#) Black bears

Authority: [IC 14-22-2-6](#)

Affected: [IC 14-22](#)

Sec. 18.8. (a) A person must not take a black bear (*Ursus americanus*) except with one (1) of the following:

- (1) A scientific purposes license issued under [312 IAC 9-10-6](#).
- (2) A nuisance wild animal control permit issued under [312 IAC 9-10-11](#).

(b) A person must not possess a live black bear except with one (1) of the following:

- (1) A wild animal possession permit issued under [312 IAC 9-11](#).
- (2) A wild animal rehabilitation permit issued under [312 IAC 9-10-9](#).
- (3) A scientific purposes license issued under [312 IAC 9-10-6](#).
- (4) A nuisance wild animal control permit issued under [312 IAC 9-10-11](#).
- (5) A registered or licensed educational or scientific institution with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
- (6) A breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(c) A person must not sell a live black bear unless that person has a breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(d) A person must not release a black bear into the wild.

(Natural Resources Commission; [312 IAC 9-3-18.8](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 14. [312 IAC 9-3-19](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-3-19](#) Endangered species of mammals

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#); [IC 14-22-34-17](#)

Affected: [IC 14-22-34-2](#); [IC 14-22-34-12](#)

Sec. 19. The following species of mammals are endangered and are subject to the protections provided under

IC 14-22-34-12:

- (1) Indiana ~~bat~~ **myotis** (*Myotis sodalis*).
- (2) Gray ~~bat~~ **myotis** (*Myotis grisescens*).
- (3) Evening bat (*Nycticeius humeralis*).
- (4) ~~Eastern Allegheny~~ woodrat (*Neotoma floridana*); **magister**).
- (5) Swamp rabbit (*Sylvilagus aquaticus*).
- (6) Franklin's ground squirrel (*Spermophilus franklinii*).
- (7) Little brown bat (*Myotis lucifugus*).**
- (8) Northern long-eared myotis (*Myotis septentrionalis*).**
- (9) Tri-colored bat (*Perimyotis subflavus*).**

(Natural Resources Commission; [312 IAC 9-3-19](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2708; filed May 16, 2002, 12:25 p.m.: 25 IR 3046; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: [20060719-IR-312050214FRA](#); filed Jun 29, 2007, 2:30 p.m.: [20070725-IR-312060272FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 15. [312 IAC 9-4-2](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-4-2](#) General requirements for migratory birds and waterfowl

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22](#)

Sec. 2. (a) The restrictions in this rule supplement state statutes and federal laws that protect migratory birds and waterfowl.

(b) The:

- (1) annual seasons;
- (2) bag limits;
- (3) hunting restrictions; and
- (4) shooting hours;

for migratory birds and waterfowl are as determined under 50 CFR 20.

(c) An individual must not hunt: ~~migratory birds and waterfowl, except for mute swans (*Cygnus olor*) and Eurasian-collared doves (*Streptopella decaocto*);~~

- (1) ducks;**
- (2) geese;**
- (3) mourning doves;**
- (4) woodcock;**
- (5) coots;**
- (6) snipe;**
- (7) rails; or**
- (8) gallinules;**

unless the individual (4) is registered with and (2) possesses an identification number issued through the Harvest Information Program.

(d) Notwithstanding subsection (c), a resident youth hunter participating in a free hunting day for youth hunters as designated by the director is exempt from:

- (1) registration with; and
- (2) possession of an identification number issued through;

the Harvest Information Program.

(e) For purposes of youth free hunting days under [IC 14-22-11-18](#), a youth hunter means an individual who is less than eighteen (18) years of age on the date of the hunt. For purposes of the youth waterfowl season as established in 50 CFR 20.105, the age of a youth hunter is determined under 50 CFR 20.105.

(f) An individual must not take a migratory bird listed as an endangered species in this rule unless the individual possesses a scientific purposes license under [312 IAC 9-10-6](#).

- (g) An individual must not hunt American woodcock (*Scolopax minor*) unless that person wears hunter orange.
- (h) An individual must not hunt waterfowl while possessing shot, other than steel shot or another nontoxic shot.
- (i) An individual must not construct a hunting blind on the water of the state unless the name and address of the individual who constructs the blind is legibly indicated on the blind.
- (j) An individual who constructs a hunting blind must cause the removal of the blind from the water of the state from April 1 through August 15.
- (k) An individual must not:
 - (1) construct or place a permanent blind; or
 - (2) leave a portable blind overnight;on property owned or leased by the department.
- (l) In order to hunt waterfowl, an individual must satisfy all of the following requirements:
 - (1) Possess one (1) of the following valid Indiana hunting licenses or be exempt from needing a license as authorized in [IC 14-22-11-1](#):
 - (A) A resident yearly hunting license under [IC 14-22-12-1\(a\)\(2\)](#).
 - (B) A resident yearly hunting and fishing license under [IC 14-22-12-1\(a\)\(3\)](#).
 - (C) A nonresident yearly hunting license under [IC 14-22-12-1\(a\)\(6\)](#).
 - (D) A nonresident five-day hunting license under [IC 14-22-12-1\(a\)\(10\)](#).
 - (E) A nonresident youth yearly hunting license under [IC 14-22-12-1\(a\)\(25\)](#).
 - (F) A resident youth consolidated hunting, and trapping, **and fishing** license under [IC 14-22-12-1\(a\)\(24\)](#) or [IC 14-22-11-10\(b\)](#).
 - (G) A disabled American veteran's hunting license under [IC 14-22-12-1.5](#).
 - (H) An apprentice hunting license of the types identified in clauses (A) through (G) under [IC 14-22-12-1.7](#).
 - (I) A lifetime basic hunting license under [IC 14-22-12-7\(a\)\(2\)](#) **before its repeal**.
 - (J) A lifetime comprehensive hunting license under [IC 14-22-12-7\(a\)\(4\)](#) **before its repeal**.
 - (K) A lifetime comprehensive hunting and fishing license under [IC 14-22-12-7\(a\)\(5\)](#) **before its repeal**.
 - (2) Possess a valid Indiana waterfowl stamp privilege issued under [IC 14-22-7-4](#).
- (m) An individual must not possess lead shot while hunting mourning doves on a department property.
- (n) An individual may take Eurasian collared doves during the season for hunting mourning doves in accordance with 50 CFR 20. The bag limit for mourning doves does not apply to Eurasian collared doves that are taken as long as the head and a feathered wing are attached. The bag limit for mourning doves does include Eurasian collared doves if the head and feathered wing are not attached.
- (o) An individual may take a raptor from the wild only with a:
 - (1) wild animal rehabilitation permit issued under [312 IAC 9-10-9](#);
 - (2) scientific purposes license issued under [312 IAC 9-10-6](#);
 - (3) falconry license issued under [312 IAC 9-10-13.1](#); or
 - (4) migratory bird depredation permit under [IC 14-22-6-3](#).
- (p) An individual may take a live migratory bird, other than a raptor, from the wild only:
 - (1) with a wild animal rehabilitation permit issued under [312 IAC 9-10-9](#);
 - (2) with a scientific purposes license issued under [312 IAC 9-10-6](#);
 - (3) with a migratory bird depredation permit under [IC 14-22-6-3](#);
 - (4) during a hunting season as authorized in this section and 50 CFR 20;
 - (5) as authorized in [312 IAC 9-4-7.2 section 7.2 of this rule](#) and 50 CFR 21.43 for brown-headed cowbird, common grackle, red-winged blackbird, Brewer's blackbird, or American crow taken in accordance with [312 IAC 9-4-7.2 section 7.2 of this rule](#) and 50 CFR 21.43; or
 - (6) as authorized in subsections (t) and (u) for a Canada goose; or

(7) as authorized by a public use airport under [IC 14-22-11-1\(b\)\(5\)](#).

(q) An individual may possess, breed, and sell raptors with a raptor propagation permit issued by the U.S. Fish and Wildlife Service in accordance with 50 CFR 21.30 without a permit from the department.

(r) A migratory bird that is taken from the wild may be possessed live only with a:

- (1) wild animal rehabilitation permit issued under [312 IAC 9-10-9](#);
- (2) special purpose educational permit issued under [312 IAC 9-10-9.5](#);
- (3) scientific purposes license issued under [312 IAC 9-10-6](#); or
- (4) falconry license issued under [312 IAC 9-10-13.1](#).

(s) An individual may possess, breed, and sell captive-bred waterfowl in accordance with 50 CFR 21 without a permit from the department.

(t) An individual may take the nest and eggs of Canada geese between March 1 and June 30 in accordance with 50 CFR 21.50 without a permit from the department.

(u) An individual may take a live Canada goose that is causing damage or threatening to cause damage to property or causing a health or safety threat to persons or domestic animals with a permit from the department.

(v) An individual may take a migratory bird that is causing damage to property or posing a health or safety threat to persons or domestic animals with a migratory bird depredation permit issued under [IC 14-22-6-3](#).

Exempted from this section is a:

- (1) Canada goose, or the nests and eggs thereof, taken in accordance with a hunting season authorized under 50 CFR 20 or subsections (t) and (u);
- (2) migratory bird taken during a hunting season in accordance with this section and 50 CFR 20; or
- (3) brown-headed cowbird, common grackle, red-winged blackbird, Brewer's blackbird, or American crow taken in accordance with [312 IAC 9-4-7.2](#) **section 7.2 of this rule** and 50 CFR 21.43.

(w) The nest of a migratory bird may be taken only:

- (1) in accordance with subsection (t) or (v);
- (2) with a special purpose salvage permit under [312 IAC 9-10-13.5](#);
- (3) with a scientific purposes license issued under [312 IAC 9-10-6](#); or
- (4) if unoccupied by a bird or egg and destroyed or relocated.

(x) An individual may capture and humanely remove a trapped live migratory bird that is not an endangered species from the interior of a building or enclosure/structure and release it immediately outside the building or enclosure or give it to an individual with a wild animal rehabilitation permit issued under [312 IAC 9-10-9](#) in accordance with 50 CFR 21.12.

(Natural Resources Commission; [312 IAC 9-4-2](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2708; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: [20060719-IR-312050214FRA](#); filed Jun 29, 2007, 2:30 p.m.: [20070725-IR-312060272FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Mar 12, 2010, 1:28 p.m.: [20100407-IR-312090479FRA](#); errata filed Apr 29, 2010, 3:05 p.m.: [20100512-IR-312090479ACA](#); filed Mar 15, 2013, 2:33 p.m.: [20130410-IR-312120403FRA](#); filed Sep 13, 2013, 3:02 p.m.: [20131009-IR-312120670FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 16. [312 IAC 9-4-11](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-4-11](#) Wild turkeys

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22](#); [IC 35-47](#)

Sec. 11. (a) Except as provided in subsection (c), an individual may hunt wild turkeys (*Meleagris gallopavo*) in the spring from the first Wednesday after April 20 and continuing for an additional eighteen (18) consecutive days.

On property managed by the division of fish and wildlife, an individual may hunt wild turkeys under this subsection only until noon (central time) or 1:00 p.m. (Eastern time).

(b) An individual may hunt wild turkeys (*Meleagris gallopavo*) during the fall as follows:

(1) With firearms from the first Wednesday after October 14 and continuing for an additional eleven (11) consecutive days in the following counties only:

(A) Bartholomew.

(B) Brown.

(C) Clark.

(D) Clay

(E) Crawford.

(F) Daviess.

(G) Dearborn.

(H) DeKalb.

(I) Dubois.

(J) Elkhart.

~~(J)~~ **(K)** Fayette.

~~(K)~~ **(L)** Floyd.

~~(L)~~ **(M)** Fountain.

~~(M)~~ **(N)** Franklin.

~~(N)~~ **(O)** Gibson.

~~(O)~~ **(P)** Greene.

~~(P)~~ **(Q)** Harrison.

~~(Q)~~ **(R)** Jackson.

~~(R)~~ **(S)** Jefferson.

~~(S)~~ **(T)** Jennings.

~~(T)~~ **(U)** Knox.

(V) Kosciusko.

~~(U)~~ **(W)** LaGrange.

~~(V)~~ **(X)** LaPorte.

~~(W)~~ **(Y)** Lawrence.

~~(X)~~ **(Z)** Marshall.

~~(Y)~~ **(AA)** Martin.

~~(Z)~~ **(BB)** Monroe.

~~(AA)~~ **(CC)** Morgan.

(DD) Noble.

~~(BB)~~ **(EE)** Ohio.

~~(CC)~~ **(FF)** Orange.

~~(DD)~~ **(GG)** Owen.

~~(EE)~~ **(HH)** Parke.

~~(FF)~~ **(II)** Perry.

~~(GG)~~ **(JJ)** Pike.

~~(HH)~~ **(KK)** Posey.

~~(II)~~ **(LL)** Putnam.

~~(JJ)~~ **(MM)** Ripley.

~~(KK)~~ **(NN)** Scott.

~~(LL)~~ **(OO)** Spencer.

~~(MM)~~ **(PP)** St. Joseph.

~~(NN)~~ **(QQ)** Starke.

~~(OO)~~ **(RR)** Steuben.

~~(PP)~~ **(SS)** Sullivan.

~~(QQ)~~ **(TT)** Switzerland.

~~(RR)~~ **(UU)** Union.

~~(SS)~~ **(VV)** Vanderburgh.

~~(TT)~~ **(WW)** Vermillion.

~~(UU)~~ **(XX)** Vigo.

~~(VV)~~ **(YY)** Warren.

~~(WW)~~ **(ZZ)** Warrick.

~~(XX)~~ **(AAA)** Washington.

(2) With a bow and arrows from:

- (A) October 1 to the end of the fall turkey season with firearms as established in subdivision (1); and
- (B) the first Saturday after the closing day of deer firearms season as established in [312 IAC 9-3-4](#)(e) through the first Sunday in January.

(c) The spring and fall seasons for hunting and possessing wild turkeys on Camp Atterbury shall be determined by the director on an annual basis to prevent interference with military training exercises.

- (d) An individual may take one (1):
 - (1) bearded or male wild turkey during the spring season; and
 - (2) wild turkey of either sex during the fall season.

(e) An individual must not do the following:

- (1) Hunt wild turkeys except between one-half (1/2) hour before sunrise and sunset.
- (2) Take a wild turkey except with the use of any of the following:

(A) A shotgun or muzzleloading shotgun:

- (i) not smaller than 20 gauge; and
- (ii) not larger than 10 gauge;

loaded only with shot of size 4, 5, 6, 7, or 7 1/2.

(B) A bow and arrows, including crossbows as defined in [312 IAC 9-1-5.3](#), with the following restrictions:

(i) An individual must not use a:

- (AA) long bow; or
- (BB) compound bow;

of less than thirty-five (35) pounds pull.

(ii) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.

(iii) An individual must not use a:

- (AA) crossbow of less than one hundred twenty-five (125) pounds pull;
- (BB) crossbow without a mechanical safety; or
- (CC) poisoned or explosive arrow.

(iv) No portion of a bow's riser (handle) or:

- (AA) track;
- (BB) trough;
- (CC) channel;
- (DD) arrow rest; or
- (EE) other device;

that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.

(3) Hunt wild turkeys in the fall season that takes place during the deer muzzleloader season as established in [312 IAC 9-3-4](#)(f) or during the deer special late antlerless season in a location where authorized as established in [312 IAC 9-3-4](#)(h) unless that individual wears hunter orange.

(4) Call wild turkeys for another individual unless licensed in accordance with subsection (j) or (k). The individual who calls the wild turkey may have already harvested a wild turkey.

(f) The special youth season for hunting wild turkeys under this subsection is two (2) consecutive days beginning on the Saturday immediately before the start of the spring turkey season established in subsection (a). As used in this subsection, "youth" means an individual who is less than eighteen (18) years of age on the date of the hunt. A youth who hunts a wild turkey under this section must be accompanied by an adult who is at least eighteen (18) years of age. An adult accompanying a youth hunter must not possess a firearm, bow and arrow, or crossbow while in the field. The seasonal limit for hunting wild turkeys under this subsection is one (1) bearded or male wild turkey. A youth hunter who takes a wild turkey under this subsection must not take another wild turkey during the spring turkey season in the same year.

(g) An individual must not use or possess:

- (1) a dog;
- (2) another domesticated animal;
- (3) a live decoy;
- (4) a recorded call;
- (5) an electronically powered or controlled decoy; or
- (6) bait;

while hunting a wild turkey. An area is considered baited for ten (10) days after the removal of the bait, but an

area is not considered to be baited that is attractive to wild turkeys resulting from normal agricultural practices.

(h) An individual may possess a handgun while hunting wild turkeys in accordance with [IC 35-47](#).

(i) Except as provided under [IC 14-22-11-1](#) and [IC 14-22-11-11](#), an individual must not hunt:

- (1) wild turkeys unless possessing a completed and signed license bearing the individual's name; or
- (2) with a wild turkey license issued to another individual.

(j) An individual may take a wild turkey during the spring season established under subsection (a) only if:

(1) issued a license to hunt wild turkeys with:

- (A) a resident youth consolidated hunting license under [IC 14-22-11-10](#)(b);
- (B) a resident spring turkey license under [IC 14-22-11-10](#)(a) or [IC 14-22-12-1](#)(a)(20);
- (C) a nonresident spring turkey license under [IC 14-22-12-1](#)(a)(21);
- (D) a resident youth consolidated hunting license under [IC 14-22-12-1](#)(a)(24);
- (E) a nonresident youth spring turkey license under [IC 14-22-12-1](#)(a)(27);
- (F) a lifetime comprehensive hunting license under [IC 14-22-12-7](#)(a)(4) before its repeal;
- (G) a lifetime comprehensive hunting and fishing license under [IC 14-22-12-7](#)(a)(5) before its repeal; or
- (H) an apprentice spring turkey hunting license under [IC 14-22-12-1.7](#); or

(2) hunting under [IC 14-22-11-1](#).

(k) An individual may take a wild turkey during the fall season established under subsection (b) only if:

(1) issued a license to hunt wild turkeys with:

- (A) a resident youth consolidated hunting license under [IC 14-22-11-10](#)(b);
- (B) a resident fall turkey license under [IC 14-22-11-10](#)(a) or [IC 14-22-12-1](#)(a)(22);
- (C) a nonresident fall turkey license under [IC 14-22-12-1](#)(a)(23);
- (D) a resident youth consolidated hunting license under [IC 14-22-12-1](#)(a)(24);
- (E) a nonresident youth fall turkey license under [IC 14-22-12-1](#)(a)(28);
- (F) a lifetime comprehensive hunting license under [IC 14-22-12-7](#)(a)(4) before its repeal;
- (G) a lifetime comprehensive hunting and fishing license under [IC 14-22-12-7](#)(a)(5) before its repeal; or
- (H) an apprentice fall turkey hunting license under [IC 14-22-12-1.7](#); or

(2) hunting under [IC 14-22-11-1](#).

(l) Immediately after taking a wild turkey, an individual must attach a piece of paper to a leg of the turkey directly above the spur stating the following:

- (1) The name and address of the individual who took the turkey.
- (2) The license number (if applicable) of the individual who took the turkey.
- (3) The date the wild turkey was taken.
- (4) The sex of the wild turkey taken.

(m) An individual who takes a wild turkey must do one (1) of the following:

(1) Cause delivery of the wild turkey to an official turkey checking station within forty-eight (48) hours of taking as follows:

- (A) Register the wild turkey in the name of the individual who took the wild turkey.
- (B) Provide the check station with true and accurate information that includes the information on the piece of paper described in subsection (l).
- (C) Record the confirmation number provided by the department's electronic harvest reporting system on the piece of paper described in subsection (l).

(2) Cause the reporting of the take by providing true and accurate information required on the department's electronic harvest reporting system within forty-eight (48) hours of taking. The individual who took the wild turkey or the individual reporting the take of the turkey must record the department's electronic harvest confirmation number on the piece of paper described in subsection (l). This confirmation number must be maintained with the turkey until processing of the turkey begins.

(n) The department's electronic harvest confirmation number must be maintained with a wild turkey that is gifted to another individual until processing of the wild turkey begins.

(o) The official wild turkey checking station operator shall accurately report the taking of the wild turkey on the

department's electronic harvest reporting system and give the individual the confirmation number.

(p) The feathers and beard of a wild turkey must remain attached while the wild turkey is in transit from the site where taken.

(q) As used in this section, "bait" means to:

- (1) place;
- (2) expose;
- (3) deposit;
- (4) distribute; or
- (5) scatter;

grain, salt, or other feed to lure, attract, or entice a wild turkey to an area where a person may take the wild turkey.

(Natural Resources Commission; [312 IAC 9-4-11](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2710; filed May 28, 1998, 5:14 p.m.: 21 IR 3715; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1533; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 541; filed May 25, 2005, 10:15 a.m.: 28 IR 2946; filed Jun 23, 2006, 2:24 p.m.: [20060719-IR-312050214FRA](#); filed Jan 8, 2007, 9:11 a.m.: [20070207-IR-312060193FRA](#); filed Sep 6, 2007, 12:20 p.m.: [20071003-IR-312070023FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Apr 3, 2009, 1:48 p.m.: [20090429-IR-312080740FRA](#); filed Mar 12, 2010, 1:28 p.m.: [20100407-IR-312090479FRA](#); filed Aug 27, 2010, 10:52 a.m.: [20100922-IR-312090984FRA](#); filed Dec 18, 2012, 2:00 p.m.: [20130116-IR-312120115FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Jun 15, 2015, 3:43 p.m.: [20150715-IR-312140453FRA](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 17. [312 IAC 9-4-14](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-4-14](#) Endangered species of birds

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#); [IC 14-22-34-17](#)

Affected: [IC 14-22-34-12](#)

Sec. 14. The following species of birds are endangered and are subject to the protections provided under [IC 14-22-34-12](#):

- (1) American bittern (*Botaurus lentiginosus*).
- (2) Least bittern (*Ixobrychus exilis*).
- (3) Black-crowned night-heron (*Nycticorax nycticorax*).
- (4) Yellow-crowned night-heron (*Nyctanassa violacea*).
- (5) Trumpeter swan (*Cygnus buccinator*).
- (6) Osprey (~~*Pandion haliaetus*~~). **Rufa red knot (*Calidris canutus rufa*).**
- (7) Northern harrier (*Circus cyaneus*).
- (8) Black rail (*Laterallus jamaicensis*).
- (9) King rail (*Rallus elegans*).
- (10) Virginia rail (*Rallus limicola*).
- (11) Common moorhen (*Gallinula chloropus*).
- (12) Whooping crane (*Grus americana*).
- (13) Piping plover (*Charadrius melodus*).
- (14) Upland sandpiper (*Bartramia longicauda*).
- (15) Least tern (*Sterna antillarum*).
- (16) Black tern (*Chlidonias niger*).
- (17) Barn owl (*Tyto alba*).
- (18) Short-eared owl (*Asio flammeus*).
- (19) Sedge wren (*Cisothorus platensis*).
- (20) Marsh wren (*Cisothorus palustris*).
- (21) Loggerhead shrike (*Lanius ludovicianus*).
- (22) Cerulean warbler (*Dendroica cerulea*).
- (23) Golden-winged warbler (*Vermivora chrysoptera*).
- (24) Kirtland's warbler (*Dendroica kirtlandii*).
- (25) Henslow's sparrow (*Ammodramus henslowii*).

(26) Yellow-headed blackbird (*Xanthocephalus xanthocephalus*).

(Natural Resources Commission; [312 IAC 9-4-14](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2712; filed May 28, 1998, 5:14 p.m.: 21 IR 3717; filed Dec 26, 2001, 2:40 p.m.: 25 IR 2535; filed May 16, 2002, 12:25 p.m.: 25 IR 3046; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 542; filed Jun 29, 2007, 2:30 p.m.: [20070725-IR-312060272FRA](#); filed Apr 1, 2008, 10:28 a.m.: [20080430-IR-312070735FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Sep 13, 2013, 3:02 p.m.: [20131009-IR-312120670FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 18. [312 IAC 9-9-4](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-9-4](#) Endangered species of invertebrates

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#); [IC 14-22-34-17](#)

Affected: [IC 14-22-34-12](#)

Sec. 4. The following species of invertebrates are endangered and are subject to the protections provided under [IC 14-22-34-12](#):

- (1) Rabbitsfoot (*Quadrula cylindrica cylindrica*).
- (2) Sheepnose (*Plethobasus cyphus*).
- (3) Clubshell (*Pleurobema clava*).
- (4) ~~Pyramid pigtoe (*Pleurobema rubrum*).~~
- (5) (4) Fanshell (*Cyprogenia stegaria*).
- (6) (5) Snuffbox (*Epioblasma triquetra*).
- (7) ~~Orangefoot pimpleback (*Plethobasus cooperianus*).~~
- (8) ~~Pink mucket (*Lampsilis abrupta*).~~
- (9) (6) Fat pocketbook (*Potamilus capax*).
- (10) (7) Rough pigtoe (*Pleurobema plenum*).
- (11) ~~Tubercled blossom (*Epioblasma torulosa torulosa*).~~
- (12) (8) White catspaw (*Epioblasma obliquata perobliqua*).
- (13) (9) Northern riffleshell (*Epioblasma torulosa rangiana*).
- (14) ~~Longsolid (*Fusconaia subrotunda*).~~
- (15) ~~White wartyback (*Plethobasus cicatricosus*).~~
- (16) (10) Rayed bean (*Villosa fabalis*).
- (17) (11) Round hickorynut (*Obovaria subrotunda*).

(Natural Resources Commission; [312 IAC 9-9-4](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2727; filed May 16, 2002, 12:25 p.m.: 25 IR 3049; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 29, 2007, 2:30 p.m.: [20070725-IR-312060272FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Mar 15, 2013, 2:33 p.m.: [20130410-IR-312120403FRA](#); filed Sep 13, 2013, 3:02 p.m.: [20131009-IR-312120670FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 19. [312 IAC 9-10-4](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-10-4](#) Game breeder licenses

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#); [IC 14-22-20](#)

Affected: [IC 4-21.5](#); [IC 14-22](#)

Sec. 4. (a) A person shall apply for a license as a game breeder on a departmental form.

(b) A license holder under this section may possess one (1) or more of the following:

- (1) Ring-necked pheasant (*Phasianus colchicus*).
- (2) Bobwhite quail (*Colinus virginianus*).
- (3) Eastern cottontail rabbit (*Sylvilagus floridanus*).
- (4) Gray squirrel (*Sciurus carolinensis*).
- (5) Fox squirrel (*Sciurus niger*).
- (6) Beaver (*Castor canadensis*).

- (7) Coyote (*Canis latrans*).
- (8) Gray fox (*Urocyon cinereoargenteus*).
- (9) Red fox (*Vulpes vulpes*).
- (10) Mink (*Mustela vison*).
- (11) Muskrat (*Ondatra zibethicus*).
- (12) Opossum (*Didelphis marsupialis*).
- (13) Raccoon (*Procyon lotor*).
- (14) Striped skunk (*Mephitis mephitis*).
- (15) Long-tailed weasel (*Mustela frenata*).
- (16) Least weasel (*Mustela nivalis* or *Mustela rixosa*).

~~(c) Notwithstanding subsections (a) and (b), a person shall apply for a cervidae breeder license authorized at [IC 14-22-20.5](#) on a departmental form to lawfully acquire and possess cervidae, including deer (all species), elk (*Cervus canadensis*), caribou (all species), moose (*Alces alces*), or a first-generation hybrid or genetically altered mammal of the cervidae family that is:~~

- ~~(1) privately owned;~~
- ~~(2) legally obtained;~~
- ~~(3) born in captivity; and~~
- ~~(4) possessed by a cervidae livestock operation in accordance with [IC 14-22-20.5-2](#).~~

~~(d) (c)~~ A license holder under subsection (a) may lawfully acquire and possess the following:

- (1) Furbearing mammals and eastern cottontail rabbits that must have been one (1) of the following:
 - (A) Lawfully taken in season.
 - (B) Born in captivity.
- (2) Fox squirrels and gray squirrels **must that** have been born in captivity.
- (3) Ring-necked pheasants and bobwhite quail **must that** have been hatched in captivity.

~~(e) (d)~~ A license holder under subsection (a) may possess the following:

- (1) Furbearing mammals, squirrels, and eastern cottontail rabbits for breeding purposes under [IC 14-22-20](#).
- (2) Ring-necked pheasants and bobwhite quail for:
 - (A) breeding purposes;
 - (B) food; or
 - (C) release.

~~(f) A license holder under subsection (c) may possess cervidae and their products for:~~

- ~~(1) breeding;~~
- ~~(2) propagating;~~
- ~~(3) purchasing;~~
- ~~(4) marketing; and~~
- ~~(5) selling;~~

~~under [IC 14-22-20.5](#).~~

~~(g) (e)~~ A person must apply for a license under this section: ~~within five (5) days after the:~~

- (1) **within five (5) days after the** acquisition of an animal within Indiana; ~~or~~
- (2) **within five (5) days after the** importation of an animal into Indiana; **or**
- (3) **if it is a raccoon, red fox, gray fox, or coyote and obtained within the trapping season for that species of animal, within five (5) days of the close of the season for that species.**

Each enclosure for these animals must be inspected by a conservation officer before a license may be issued.

~~(h) (f)~~ A license holder under this section may add a species other than those identified in the application upon:

- (1) an inspection by a conservation officer; or
- (2) approval by the division of fish and wildlife.

A conservation officer must be notified within five (5) days of acquisition of the new species.

~~(i) (g)~~ A license holder under this section who imports:

- (1) any live animal under this license; or
- (2) the eggs of birds covered under this license;

must secure a certificate of veterinary inspection from an accredited veterinarian in the state of origin **or certificate of compliance as specified at 345 IAC 1-3-24** before the animal **or egg** is shipped into Indiana. Documentation in the form of a copy of a valid game breeder license or valid dated receipt that establishes lawful acquisition or ownership must accompany any transportation of wild animals.

(j) **(h)** A license holder under this section must present at least one (1) of the following for inspection upon the request of a conservation officer for each animal possessed:

- (1) A receipt.
- (2) An invoice.
- (3) Other satisfactory evidence of lawful acquisition, including documentation of natural birth.

~~(k)~~ **(i)** For ring-necked pheasants, bobwhite quail, furbearing mammals, eastern cottontail rabbits, fox squirrels, and gray squirrels, the following requirements apply:

- (1) A wild animal must be confined in a cage or other enclosure that:
 - (A) makes escape of the animal unlikely; and
 - (B) prevents the entrance of a free-roaming animal of the same species.
- (2) The cage or enclosure shall be large enough to:
 - (A) allow the wild animal to turn about freely; and
 - (B) make normal postural adjustments.
- (3) All chainlink or welded wire edges shall be:
 - (A) smoothly secured to prevent injury to the animals; and
 - (B) kept properly repaired.
- (4) Night quarters, holding pens, and nesting boxes may not be used as primary housing.
- (5) The following shall be provided as required for the comfort of the particular species of animal:
 - (A) Fresh water.
 - (B) Rainproof dens.
 - (C) Nest boxes.
 - (D) Windbreaks.
 - (E) Shelters.
 - (F) Shade.
 - (G) Bedding.
- (6) Each animal shall be handled, housed, and transported in a sanitary and humane manner.
- (7) An enclosure must be provided with sufficient drainage to prevent standing water from accumulating.
- (8) The cages or other enclosures must be made available upon request for inspection by a conservation officer.

~~(l) For cervidae, the following enclosure requirements apply:~~

- ~~(1) The enclosure must have a perimeter fence with a height of at least eight (8) feet from the ground to the top of the fence at all parts of the structure to:
 - (A) make the escape of an animal unlikely; and
 - (B) prevent the entrance of a free-roaming animal of the same species.~~
- ~~(2) Fence bottoms shall be installed at or near the ground level but not more than six (6) inches above ground level.~~
- ~~(3) If topographic, natural, or other conditions exist that would enable an animal to pass through, over, or under the fence, the permit holder must supplement the fence as necessary to prevent egress.~~
- ~~(4) Perimeter fencing materials shall be of a fencing strength, weave, and construction that prevents the escape of an animal into the wild and may include, but are not limited to, high tensile game fence that is at least fourteen and one half (14 1/2) gauge, chainlink fence of at least nine (9) gauge, welded wire fence of at least twelve and one half (12 1/2) gauge, wood fence or farm buildings.~~
- ~~(5) All chainlink or welded wire fence edges shall be:
 - (A) smoothly secured to prevent injury to the animals; and
 - (B) kept properly repaired.~~
- ~~(6) The license holder under this section or their designees must maintain the perimeter fencing in good condition at all times.~~
- ~~(7) The license holder under this section or their designees must maintain a log of perimeter fence inspections that records the following:
 - (A) The inspection date.
 - (B) The inspection time.
 - (C) The individual or individuals performing the inspection.
 - (D) Any noted deficiencies or repairs made.~~

- ~~(8) A license holder under this section must report the escape of any cervidae possessed under this section to a conservation officer within twenty-four (24) hours after knowledge of the escape or knowledge of potential escape. Knowledge of potential escape shall include, but not be limited to, significant damage to the perimeter fence that is likely to allow escape or the license holder is unable to account for all of the animals possessed under this license, or both.~~
- ~~(9) A license holder under this section shall secure and install padlocks on all remote perimeter gates.~~
- ~~(10) Upon a request by a conservation officer, any enclosure must be made available for inspection.~~

~~(m) To provide for the comfort and overall health of each cervidae possessed under this section, the license holder shall provide the following:~~

- ~~(1) Fresh water must be provided as follows:~~

- ~~(A) Available at all times.~~
- ~~(B) May be provided by:~~
 - ~~(i) public water utilities;~~
 - ~~(ii) wells;~~
 - ~~(iii) cisterns;~~
 - ~~(iv) ponds; or~~
 - ~~(v) streams.~~

- ~~(2) Feed must be provided as follows:~~

- ~~(A) Where adequate pasture or natural vegetation is available to meet the nutritional needs of each animal, supplemental feeding is not necessary.~~
- ~~(B) Where adequate pasture or natural vegetation is not available to meet the nutritional needs of each animal, supplemental feed or a complete feed ration must be made available to prevent:~~
 - ~~(i) malnutrition;~~
 - ~~(ii) poor body condition;~~
 - ~~(iii) debility;~~
 - ~~(iv) stress;~~
 - ~~(v) illness; or~~
 - ~~(vi) disease.~~

- ~~(3) Windbreaks, shelters, and shade must be provided as follows:~~

- ~~(A) Protection of each animal from the extreme elements of heat, cold, or wind must be provided at all times and in all enclosures where animals are housed.~~
- ~~(B) Protection from the elements may include, but shall not be limited to, one (1) or more of the following:~~
 - ~~(i) Barns.~~
 - ~~(ii) Shelters.~~
 - ~~(iii) Man-made or natural windbreaks.~~
 - ~~(iv) Tarps.~~
 - ~~(v) Shade cloth.~~
 - ~~(vi) Trees.~~
 - ~~(vii) Hedge rows.~~
 - ~~(viii) Tall grass and weeds.~~

- ~~(4) Bedding must be provided as follows:~~

- ~~(A) Each enclosure must provide high ground, shelters, or bedding areas that prevent the animal from lying or standing in mud or water that is ankle deep for more than ten (10) consecutive days.~~
- ~~(B) Each enclosure used to house cervidae must be provided with sufficient drainage to prevent stagnant water or deep mud throughout the enclosure such that the animals in the enclosure can turn about freely and obtain food and water without standing in stagnant water or deep mud.~~

- ~~(5) Enclosures must be provided as follows:~~

- ~~(A) Each enclosure shall be large enough to allow the animal to:~~
 - ~~(i) turn about freely; and~~
 - ~~(ii) make normal postural adjustments.~~
- ~~(B) Periodic crowding of animals of less than four (4) months may be necessary for the following:~~
 - ~~(i) Wintering of animals and pasture preservation.~~
 - ~~(ii) Breeding.~~
 - ~~(iii) Medicating or vaccinating, or both.~~
 - ~~(iv) Tuberculosis and brucellosis testing to maintain herd status.~~
 - ~~(v) Handling and tranquilization.~~

- ~~(6) Each cervidae shall be handled, housed, and transported in a sanitary and humane manner.~~

~~(n) Each cervidae possessed under this section must be individually and uniquely identified in accordance with [345 IAC 2-7](#) prior to leaving the license holder's premises.~~

~~(o) A license holder under this section that possesses cervidae must do the following:~~

~~(1) Register with the state veterinarian each location where cervidae are being kept and acquire a premises identification under [345 IAC 2-7](#).~~

~~(2) Register with the state veterinarian and enroll in the chronic wasting disease (CWD) program under [345 IAC 2-7](#).~~

~~(3) Adhere to Indiana cervidae importation requirements as designated by the state veterinarian. Prior to importation, a permit from the state veterinarian must be acquired under [345 IAC 1-3](#) and [345 IAC 2-7](#).~~

~~(4) Handle all deaths of cervidae older than twelve (12) months of age as follows in accordance with [345 IAC 2-7](#):~~

~~(A) Report each incident to the state veterinarian.~~

~~(B) Test each disease-susceptible cervid for CWD if suitable for testing.~~

~~(C) Follow CWD sample submission protocol that is designated by the state veterinarian.~~

~~(5) Allow for an annual herd inspection by the Indiana state board of animal health and provide records under [345 IAC 2-7](#) for the following:~~

~~(A) Official cervid identifications.~~

~~(B) Additions and removals from herd that include dates, names, addresses or contact information.~~

~~(C) Postmortem reports.~~

~~(p) Cervidae and their products may be sold in Indiana in accordance with [IC 14-22-20](#) or out of state for any legal purpose.~~

~~(q) (j) An animal possessed under this section may be administered a pharmaceutical product in accordance with state and federal laws and approved by a state or federal agency for the purpose of prevention or treatment of any of the following:~~

~~(1) Malnutrition.~~

~~(2) Illness.~~

~~(3) Disease.~~

~~(4) Injury.~~

~~(5) Stress.~~

~~A licensed veterinarian may administer to an animal an immobilizing agent, tranquilizer, or drug for euthanasia in compliance with all state and federal laws. A license holder under this section or authorized handler may use an immobilizing agent or tranquilizer, as directed by a licensed veterinarian, to assist in the safe handling and transportation of cervidae.~~

~~(r) (k) A license holder under this section shall not release animals possessed under this section except for bobwhite quail and ring-necked pheasants. A license holder under this section shall not release known diseased bobwhite quail and ring-necked pheasants.~~

~~(s) (l) A license holder under this section must not sell an animal possessed under this section if the animal is known to be diseased.~~

~~(t) (m) A license holder under this section must comply with all applicable state, local, or other federal laws that govern the possession and sale of the animals possessed under this section.~~

~~(u) (n) A license holder under this section shall do the following:~~

~~(1) Maintain an inventory of all wild animals possessed under this section.~~

~~(2) Record all additions and deletions to the inventory for every wild animal that is:~~

~~(A) born or has died;~~

~~(B) sold;~~

~~(C) traded;~~

~~(D) loaned;~~

~~(E) bartered; or~~

~~(F) given to another person;~~

~~on a signed departmental form or computerized record with a signature that is either electronic or in ink. If~~

recorded on a departmental form, the person must complete the form in ink.

(3) Keep a copy of the complete and accurate inventory on the premises of the game breeder.

(4) Provide a copy of the inventory to a conservation officer upon request.

(5) Issue a valid, dated receipt prepared in ink for all animals or their products that are sold, traded, bartered, or gifted and include the following information:

(A) Game breeder license number.

(B) Buyer and seller name and address.

(C) Number of animals or products sold.

(D) Species of animal sold.

A copy of all of the receipts issued must be on the premises of the game breeder for at least five (5) years after the year of the transaction.

~~(v)~~ **(o)** A license expires on December 31 of the year the license is issued. The license holder must file an application with the division by January 31 of each year in order to renew the license. The annual report must accompany the renewal application and shall include for each species possessed under this license the number:

(1) bought;

(2) sold;

(3) born;

(4) traded;

(5) gifted;

(6) of deaths; and

(7) on hand.

~~(w)~~ **(p)** A conservation officer may enter the premises of the license holder at all reasonable hours to conduct an inspection in accordance with subsections ~~(x)~~ **(q)** and ~~(y)~~ **(r)**.

~~(x)~~ **(q)** During an inspection, the license holder or the license holder's designee shall comply with both of the following:

(1) Meet the conservation officer at the time of inspection to provide access to all enclosures where animals possessed under a license issued under this section are housed.

(2) Provide access to all records relative to the license issued under this section.

~~(y)~~ **(r)** While conducting an inspection, the conservation officer must comply with the following:

(1) Upon request of the license holder or the license holder's designee and prior to entering the enclosure where animals are housed, follow appropriate sanitation practices to prevent the spread of disease if the license holder provides sanitation supplies or protective equipment.

(2) Give due consideration to the safety and welfare of the animals.

(3) Notify the license holder if the inspection reveals a violation of this section or [IC 14-22-20](#). The conservation officer may make a second inspection after no sooner than fifteen (15) days after the reported violations unless critical conditions exist as determined at the reasonable discretion of the conservation officer. The wild animals may be confiscated if the license holder fails to correct the violations of the license requirements.

~~(z)~~ **(s)** A license may be suspended, denied, or revoked under [IC 4-21.5](#) if the license holder fails to comply with any of the following:

(1) A provision of a license issued under this section.

(2) [IC 14-22-20](#).

(3) All applicable state, local, or other federal laws.

(Natural Resources Commission; [312 IAC 9-10-4](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2728; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jan 26, 2004, 10:45 a.m.: 27 IR 1789; filed Jan 8, 2007, 9:11 a.m.: [20070207-IR-312060193FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Apr 8, 2010, 1:49 p.m.: [20100505-IR-312090486FRA](#); filed Dec 10, 2010, 10:36 a.m.: [20110105-IR-312100104FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 20. [312 IAC 9-10-11](#) IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-10-11 Nuisance wild animal control permit

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22](#)

Sec. 11. (a) The director may without fee issue a temporary permit to control a nuisance wild animal that is:

- (1) causing damage or threatening to cause damage to property; or
- (2) posing a health or safety threat to persons or domestic animals.

If it is a black bear, there must be a known (confirmed), immediate safety risk to persons or domestic animals. The method and dates of control and disposition of the animal shall be set forth in the permit.

(b) A live wild animal taken under this section shall not be:

- (1) possessed for more than forty-eight (48) hours;
- (2) sold;
- (3) traded;
- (4) bartered; or
- (5) gifted.

(c) A property owner or lessee may obtain a permit under this section for the control of a nuisance wild animal.

(d) A person who charges a fee or provides a service to the public for nuisance wild animal control services must obtain a permit under this subsection to assist a property owner or lessee with the control of a nuisance wild animal. The following testing requirements apply:

- (1) A permit applicant must correctly answer at least eighty percent (80%) of the questions on a written examination of basic knowledge supervised and administered by the division of fish and wildlife.
- (2) A permittee who has satisfied subdivision (1) must, within four (4) years of being issued the permit and every four (4) years thereafter, either:
 - (A) satisfy the same requirements as are set forth in subdivision (1) on another examination; or
 - (B) complete sixteen (16) hours of continuing education as approved by the division.
- (3) A person who fails an examination under this section may retake the examination one (1) additional time within forty-five (45) days, but not again within one hundred eighty (180) days after a second failure.

(e) An application for a nuisance wild animal control permit must be completed on a departmental form and filed with the division of fish and wildlife.

(f) An individual who does not hold a permit under subsection (d) may assist a permittee, but only if the permittee directly supervises or coordinates the activities of the unpermitted person. A copy of the permit must be on the person when conducting any authorized activities.

(g) A captive animal must be properly handled in an expeditious manner to prevent unnecessary physical injury.

(h) The following methods may be used to take a wild animal under this section:

- (1) Firearms if possessed and used in compliance with all applicable state, local, and federal firearm laws.
- (2) Steel and live traps, except as follows:
 - (A) A foothold trap that possesses saw-toothed or spiked jaws.
 - (B) A foothold trap that:
 - (i) has the widest inside jaw spread perpendicular to the trap's baseplate (Figure 1) greater than or equal to five and three-quarters (5 3/4) inches and the inside width between the trap's hinge posts (Figure 2) greater than or equal to five and three-quarters (5 3/4) inches unless the jaws of the trap have at least a one-eighth (1/8) inch offset (Figure 3), the gap of the offset is filled with securely attached rubber pads, or the trap is completely covered by water. The hinge posts must be maintained at a ninety (90) degree angle to the trap's baseplate (Figures 4 and 5); and
 - (ii) has an inside jaw spread perpendicular to the trap's baseplate greater than six and one-half (6 1/2) inches and the inside width between the trap's hinge posts greater than six and one-half (6 1/2) inches and set on land.

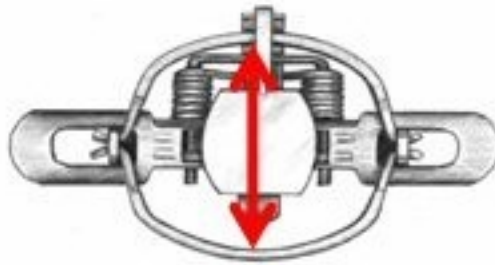


Figure 1
Widest inside jaw spread
perpendicular to the trap's
baseplate

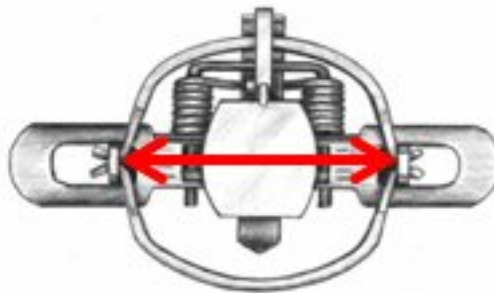


Figure 2
Inside distance between the
trap's hinge posts.

Offset Jaws



Figure 3

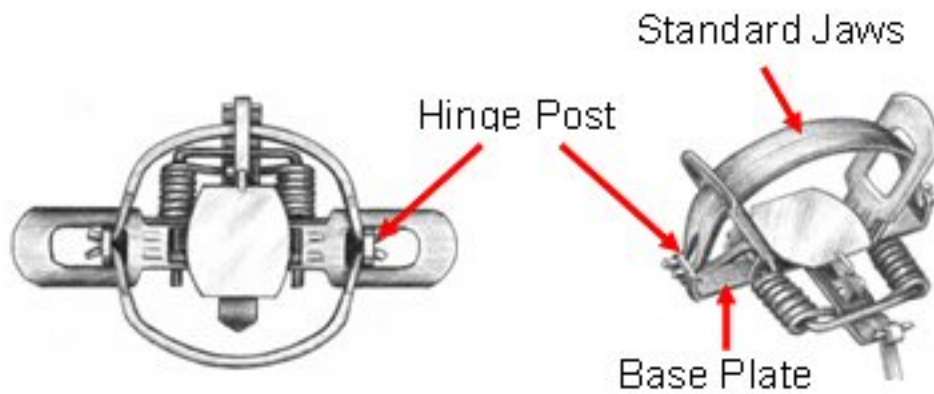


Figure 4

Figure 5



Figure 6

(C) A Conibear™, Dahlgren™, Bigelow™, or similar body-gripping trap that has the widest vertical inside jaw spread measured at the horizontal center of the trap's jaws and the widest horizontal inside jaw spread measured at the vertical center of the trap's jaws is larger than eight (8) inches unless the trap is completely covered by water.

(D) As used in this subsection, "offset jaws" means the jaws of a leg-hold trap in which the holding area of the jaws is separated by a gap or offset (specified measurement) when the trap is closed (not in the set position). The gap or offset must extend at least eighty percent (80%) of the holding area of the trap's jaws.

(3) Snares with a circumference not greater than fifteen (15) inches unless:

(A) at least fifty percent (50%) of the loop of the snare is covered by water; or

(B) the snare employs a relaxing snare lock (a lock that will allow the snare's loop size to increase once pulling tension is no longer exerted along the snare from its anchored end).

(4) Any other methods specified by the permit.

(i) All traps including snares must be checked at least once every twenty-four (24) hours, and any animal caught in a trap or snare must be removed from that trap or snare within twelve (12) hours from notice to the permit holder of an animal caught in the trap or snare.

(j) The following restrictions apply to the treatment of an animal captured live under this permit:

(1) When on-site release is not the best viable option, the animal must be:

(A) released in the county of capture with prior consent from the landowner or landowner's agent;

(B) euthanized; or

(C) treated as otherwise authorized in the permit.

(2) An animal must be euthanized with the:

(A) safest;

(B) quickest; and

(C) most painless;

available method as recommended and approved by the division of fish and wildlife.

(3) Prior consent is required from the:

- (A) landowner; or
- (B) landowner's agent;

before an animal is released on any property.

(4) Notwithstanding subdivision (1), an attempt must be made to first capture and relocate an endangered species into the appropriate habitat. If not feasible or possible, then an endangered species may be euthanized only with written authorization by the division of fish and wildlife.

(5) The carcass of a bear taken under this permit must be given to the department within seven (7) business days of taking the bear.

(6) A permit holder must notify the division of fish and wildlife within twenty-four (24) hours of the taking of more than five (5) individual bats from any one (1) site/structure from June 1 through July 31.

(k) A permit expires on December 31 of the year the permit is issued. The permittee must maintain a current record to include the following:

- (1) The name and address of the landowner assisted.
- (2) The date assistance was provided.
- (3) The number and species of animals affected.
- (4) The method of disposition.

(5) The name and address of the landowner where each animal was released (if applicable).

A copy of the records shall be kept on the premises of the permittee for at least two (2) years after the transaction and must be presented to a conservation officer upon request.

(l) A permittee must file an application by January 31 of each year in order to renew a permit. The annual report required under subsection (m) must accompany the renewal application.

(m) The permit holder shall provide an annual report to the division by January 31 of each year. The report shall list the following:

- (1) The:
 - (A) number; and
 - (B) species;of animals taken.
- (2) The county where the animal was captured.
- (3) The method of disposition.
- (4) The **name and address of the landowner, including** county, where **each animal was** released (if applicable).

(n) A permit issued under this section may be suspended or revoked if the permittee does the following:

- (1) Fails to comply with any of the following:
 - (A) [IC 14-22](#).
 - (B) This article.
 - (C) A term of the permit.
- (2) Provides false information to obtain a permit under this section.
- (3) Uses or employs any:
 - (A) deception;
 - (B) false pretense; or
 - (C) false promise;

to cause a consumer to enter into an agreement for the removal of a nuisance wild animal.

(o) No permit shall be issued under this section:

- (1) for the control of a migratory bird, except a mute swan;
- ~~(2) for a wild animal that is identified under this article as:~~
 - ~~(A) an endangered;~~ or
 - ~~(B) a threatened;~~species; or
- ~~(3) (2) if granting the permit would violate a federal law.~~

(p) Except as authorized in subsection (q), the hide, carcass, or other part or portion of a wild animal taken under this section shall not be:

- (1) sold;

- (2) traded;
 - (3) bartered; or
 - (4) gifted, except if gifted with no compensation of any kind to:
 - (A) an accredited scientific or educational institution with a special purpose salvage permit issued under section 13.5 of this rule; or
 - (B) the department;
- if tagged with the permit holder's name and address, signature of the person who took the animal, and date the animal was taken.

(q) The meat of a wild animal taken under this section may be retained or gifted to another person for personal consumption if tagged with the permit holder's name and address, signature of the person who took the animal, and date the animal was taken.

(r) A permit holder must obtain permission from the landowner or tenant prior to setting a trap, snare, or other device or capturing a wild animal on that landowner or tenant's property.

(s) A conservation officer may inspect the equipment, wild animals, and any records relative to a permit issued under this section at any reasonable hour.

(Natural Resources Commission; [312 IAC 9-10-11](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2732; filed Oct 28, 2002, 12:03 p.m.: 26 IR 692; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: [20060719-IR-312050214FRA](#); filed Apr 4, 2008, 2:56 p.m.: [20080430-IR-312070659FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Feb 28, 2014, 8:01 a.m.: [20140326-IR-312130024FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Sep 23, 2015, 9:57 a.m.: [20151021-IR-312140477FRA](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 21. [312 IAC 9-10-25](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 9-10-25](#) Deer control permit

Authority: [IC 14-22-28-2](#); [IC 14-10-2-4](#)

Affected: [IC 4-21.5](#); [IC 14-22](#)

Sec. 25. (a) This section governs the issuance of a deer control permit to control a white-tailed deer.

(b) A deer control permit may be issued under this section to take a white-tailed deer that is doing the following:

(1) Causing or threatening to cause economic damage to property in excess of five hundred dollars (\$500) annually. Damage to the following may be considered in computing economic impact to property:

- (A) A building or dwelling and related improvements to real property.**
- (B) Agricultural row crop.**
- (C) Hay, stored grain, or livestock food.**
- (D) Cover crop.**
- (E) A vineyard.**
- (F) An orchard.**
- (G) Landscape vegetation.**
- (H) Truck crop.**
- (I) A tree nursery.**
- (J) A tree.**
- (K) A food garden of one (1) acre or greater in size.**
- (L) Ornamental vegetation.**
- (M) Other commercial vegetation established by humans.**

Browsing or antler rubbing to naturally occurring vegetation or vegetation not planted by humans shall not be considered in computing economic damage.

(2) Posing an immediate health or safety threat to persons or domestic animals.

(3) Affecting the management of free-ranging white-tailed deer on a city, community, or federal property evidenced by:

- (A) deer vehicle collisions;**

- (B) economic damage to property in excess of five hundred dollars (\$500) annually evidenced in accordance with subdivision (1); or
- (C) ecological damage to vegetation that would result in the incidental take of a state or federally threatened or endangered species.

(c) An application for a deer control permit must be completed on a departmental form and filed with the division of fish and wildlife.

(d) The methods for taking and number of deer that may be taken shall be set forth in the permit.

(e) The permit holder may designate up to ten (10) unpermitted individuals to assist the permit holder in taking the deer under the following conditions:

- (1) The permit holder must directly supervise and coordinate the activities of the unpermitted individuals.
- (2) The unpermitted individuals must:
 - (A) be identified on the permit;
 - (B) be in compliance with the hunter education requirement set forth at [IC 14-22-11-5](#); and
 - (C) possess a copy of the permit when conducting any authorized activities.

(f) For each deer killed, the permit holder must:

- (1) cause the removal of all antlers and dispose of them in accordance with subsection (j)(2);
- (2) dispose of the carcass, including the meat, hide, and any other part of the white-tailed deer, except for any antlers, by:
 - (A) burial;
 - (B) incineration;
 - (C) rendering;
 - (D) processing of the meat at a deer processing facility;
 - (E) gifting the meat to another person or organization; or
 - (F) storing the meat for human consumption; and
- (3) maintain a true and accurate record of the:
 - (A) date and time killed;
 - (B) sex of each white-tailed deer killed;
 - (C) disposition of the carcass;
 - (D) equipment used to take each white-tailed deer; and
 - (E) name and address of the person in possession of the carcass of any white-tailed deer kept or gifted under subdivision (2)(C) through (2)(F).

(g) The meat of a deer taken under this section must not be sold, traded, or bartered.

(h) A permit issued under this section may be issued only as follows:

- (1) To take white-tailed deer outside the hunting season for white-tailed deer established at [312 IAC 9-3-4](#) for a duration of no more than ninety (90) days.
- (2) To take white-tailed deer during the hunting seasons for white-tailed deer established at [312 IAC 9-3-4](#) only:
 - (A) if an immediate health or safety threat exists; or
 - (B) as authorized in subsection (b)(3);for a duration of no more than ninety (90) days or other duration established by the director.
- (3) A permit may be renewed for no more than ninety (90) additional days in one (1) calendar year.

(i) If meat from white-tailed deer taken under a permit issued under this section will be donated or used for human consumption, a department form must accompany the meat or carcass at all times until processing of the deer is completed.

(j) Within fourteen (14) days of the expiration of the permit issued under this section, the permit holder must:

- (1) cause the delivery of the records described in subsection (f)(3) to the address on the form; and
- (2) destroy the antlers by burial or incineration or deliver the antlers to a designated department

property office during its established business hours or to a division of fish and wildlife representative.

(k) The permit holder and all unpermitted individuals identified under subsection (e) and listed on the permit issued under this section must carry this permit when taking deer authorized under this permit.

(l) The permit holder and all unpermitted individuals identified under subsection (e) and listed on the permit issued under this section shall not advertise the availability or use of deer or a deer control permit through any printed or electronic media format.

(m) A deer control permit application may be denied or a deer control permit issued under this section may be suspended or revoked in accordance with [IC 4-21.5](#) if the permit holder or any unpermitted individuals identified under subsection (e) and listed on the permit issued under this section does the following:

(1) Fails to comply with any of the following:

(A) This section.

(B) [IC 14-22](#).

(C) A term of the permit.

(2) Provides false information to obtain a permit under this section.

(Natural Resources Commission; [312 IAC 9-10-25](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 22. [312 IAC 9-10-26](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 9-10-26](#) Endangered species propagation permit

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#); [IC 14-22-34-15](#)

Affected: [IC 4-21.5](#); [IC 14-22-6-1](#)

Sec. 26. (a) A person must not breed or rear in captivity an endangered species of wild animal except under a propagation permit issued under this section.

(b) A person must apply for a propagation permit on a departmental form filed with the division of fish and wildlife. The applicant must include the following with the application:

(1) Information regarding the health and safe handling of the wild animal.

(2) The current and historic status of the species in the state.

(3) Information regarding the purpose of the propagation.

(4) Documentation of legal acquisition of the original stock of wild animal for breeding or rearing.

(c) A permit issued under this section may authorize:

(1) the release of an animal bred or reared under the propagation permit into the wild in Indiana in accordance with the conditions of the permit; or

(2) further conservation activities for the restoration of wild animal species (i.e., genetics research, conditioning, development of broodstock).

(d) A permit issued under this section authorizing the release of a specimen into the wild may only be issued if the applicant establishes the animal bred or reared in captivity:

(1) is, as testing is scientifically possible and appropriate for the species and age of the animal, free of any communicable disease;

(2) will not become a nuisance; and

(3) will not damage a:

(A) native wild animal;

(B) domesticated species of animal; or

(C) species of plant;

(4) is capable of surviving after release and achieving the release goal;

(5) is genetic appropriate; and

(6) is capable of meeting anticipated post release impact and management guidelines.

(e) A propagation permit application may be denied or a propagation permit issued under this section may be suspended or revoked in accordance with [IC 4-21.5](#) if the person:

- (1) fails to comply with:
 - (A) this article; or
 - (B) a term of the permit;
- (2) provides false information to obtain a permit under this section;
- (3) possesses a propagation permit authorizing release of a wild animal into the wild and fails to establish that the release of a wild animal into the wild will not threaten the welfare of a wild animal population or the people; or
- (4) fails to establish the legal acquisition of the species or health and safe handling of the wild animal.

(Natural Resources Commission; [312 IAC 9-10-26](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

SECTION 23. [312 IAC 9-11-2](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 9-11-2](#) First permit to possess a wild animal

Authority: [IC 14-22-26](#)

Affected: [IC 14-22](#)

Sec. 2. (a) This section governs the first permit under this rule to possess a particular wild animal.

(b) A person who wishes to possess a wild animal, described as Class I or Class II in this rule, must apply for a permit under this rule within five (5) days of taking possession of the animal **that was lawfully acquired and in accordance with this rule.**

(c) A person who wishes to possess a wild animal, described as Class III in this rule must ~~satisfy [IC 14-11-4](#)~~ and obtain a permit under this rule before the person takes possession of the animal **and in accordance with this rule.** In addition to any procedural requirements, a notice under this subsection must also describe the following:

- (1) The species of the wild animal.
- (2) Where the animal will be possessed.

(d) Within forty-five (45) days after the issuance of a permit, the permit holder must submit written verification from a licensed veterinarian that the animal appears to be:

- (1) free of disease; and
 - (2) in good health;
- to the division of fish and wildlife.

(e) An application for a Class III wild animal must present a plan for the quick and safe recapture of the wild animal if the animal escapes or, if recapture is impracticable, for the destruction of the animal. After notification by the department of an intention to issue a permit, but before the permit is issued, the applicant must obtain the equipment needed to carry out the recapture and destruction plan. The nature and extent of the recapture plan and the equipment needed are dependent on the danger the escaped animal poses to:

- (1) persons;
 - (2) domestic animals;
 - (3) livestock; and
 - (4) other wildlife;
- in the vicinity of the escape.

(f) A permit holder who possesses a Class III wild animal must notify the department immediately after the discovery of any escape of the animal from the perimeter fence.

(g) A permit application must be:

- (1) completed on a department form; and
- (2) accompanied by a fee in the amount of ten dollars (\$10).

(h) A conservation officer shall inspect the:
(1) cages or enclosures;
(2) wild animal (if already in possession); and
(3) documentation of legal acquisition (if the wild animal is already in possession);
after the application is received and prior to the issuance of a permit.

(i) An application **applicant** must ~~show~~ **provide documentation that** the wild animal was lawfully acquired. A receipted invoice, bill of lading, or other evidence approved by the director shall accompany the application to establish compliance with this subsection.

(Natural Resources Commission; [312 IAC 9-11-2](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2738; filed Feb 7, 2000, 3:31 p.m.: 23 IR 1366; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 555; readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Jul 6, 2010, 1:55 p.m.: [20100804-IR-312090616FRA](#); filed Feb 28, 2014, 8:01 a.m.: [20140326-IR-312130024FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#))

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